

VZCZCXRO4880
OO RUEHAG RUEHROV RUEHSL RUEHSR
DE RUEHLM #0855/01 2431057
ZNY CCCCC ZZH
O 311057Z AUG 09
FM AMEMBASSY COLOMBO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0482
INFO RUCNMEM/EU MEMBER STATES COLLECTIVE PRIORITY
RUEHKA/AMEMBASSY DHAKA PRIORITY 1882
RUEHIL/AMEMBASSY ISLAMABAD PRIORITY 8903
RUEHKT/AMEMBASSY KATHMANDU PRIORITY 7142
RUEHLO/AMEMBASSY LONDON PRIORITY 5106
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 3276
RUEHNY/AMEMBASSY OSLO PRIORITY 5062
RUEHOT/AMEMBASSY OTTAWA PRIORITY 1339
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0597
RUEHKO/AMEMBASSY TOKYO PRIORITY 4172
RUEHCG/AMCONSUL CHENNAI PRIORITY 9469
RUEHBI/AMCONSUL MUMBAI PRIORITY 6770
RUEHON/AMCONSUL TORONTO PRIORITY 1268
RHEFDIA/DIA WASHINGTON DC PRIORITY
RUEHGV/USMISSION GENEVA PRIORITY 3713
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY
RUEHBS/USEU BRUSSELS PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
RUEKJCS/SECDEF WASHDC PRIORITY

C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 000855

SIPDIS

DEPARTMENT FOR SCA/INSB

E.O. 12958: DECL: 08/31/2019

TAGS: [PGOV](#) [PREL](#) [PREF](#) [PHUM](#) [PTER](#) [EAID](#) [MOPS](#) [CE](#)

SUBJECT: JOURNALIST TISSAINAYAGAM CONVICTED, GIVEN 20 YEAR
SENTENCE

REF: A. COLOMBO 848
 [1](#)B. COLOMBO 333
 [1](#)C. COLOMBO 332
 [1](#)D. COLOMBO 281
 [1](#)E. COLOMBO 218
 [1](#)F. COLOMBO 171
 [1](#)G. COLOMBO 81
 [1](#)H. COLOMBO 54
 [1](#)I. COLOMBO 32
 [1](#)J. COLOMBO 25
 [1](#)K. COLOMBO 18 AND PREVIOUS

COLOMBO 00000855 001.2 OF 002

Classified By: CHARGE D'AFFAIRES REBECCA COHN. REASONS: 1.4 (B, D)

[1](#)1. (SBU) On August 31, the Colombo High Court announced a guilty verdict in the closely watched case of Sri Lankan journalist Jayaprakash Sittampalam Tissainayagam. After brief summation of arguments by the prosecutor and lead defense counsel, the bailiff read the decision of Judge Deepali Wijesundra (who is widely thought to be closely connected to President Rajapaksa) finding Tissainayagam guilty on all the charges of which he was accused under the Prevention of Terrorism Act (PTA) and sentencing him to a total of 20 years in prison. The charges included:

-- Conspiracy under PTA Section 2.1 (H) -- five years imprisonment

-- Causing disharmony and violence under PTA 2.1 (H) -- five years imprisonment

-- Collecting funds for terrorist activities and writing subversive material under the government's 2003 Emergency Regulations on combating terrorism -- ten years imprisonment.

(NOTE: Section 2.1 (H) of the Prevention of Terrorism Act No. 48 of 1979 stipulates "(B)y words either spoken or intended

to be read or by visible representations or otherwise causes or intends to cause commission of acts of violence or religious, racial, or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups." END NOTE.)

12. (C) It was unclear from the verdict whether the three sentences were to be served consecutively (a total of 20 years incarceration) or concurrently (a maximum of ten years in prison with the chance of parole for good behavior in five years). Senior Counsel for Tissainayagam Anil Silva told PolChief just after the verdict was announced that he intended to submit an appeal before the Court of Appeals and, if that failed, to appeal to the Sri Lankan Supreme Court. Silva also told us that the government had never offered any evidence to support its charge that Tissainayagam helped fund, or accepted funding from, terrorists.

COMMENT

13. (C) The announcement of the guilty verdict against Tissainayagam bucked what appeared last week to be the beginnings of a trend with the release on bail of a group of physicians who had been accused of collaboration with the LTTE and the release from the IDP camps of a large group of clergy, including six Catholic priests (ref A). The verdict against Tissainayagam is likely to be poorly received by the international community, including the EU, which is considering whether to extend GSP plus benefits to Sri Lanka. The Rajapaksa inner circle -- which sometimes has demonstrated keen political calculus -- cannot be unaware of the impact of the verdict on international opinion. Now

COLOMBO 00000855 002.2 OF 002

having demonstrated their resolve to stand tough against a scapegoat journalist perceived to have aided "terrorism," the Rajapaksas could make a gesture of magnanimity by pardoning Tissainayagam. Violent criminals such as rapists and murders have been pardoned in Sri Lanka, and press contacts note it may be significant that Tissainayagam was not accused of treason, a charge it would have been much more difficult for the president to pardon.

14. (C) Embassy has been following this case very closely. PolChief attended the verdict announcement along with other members of the diplomatic community, and we contacted the Minister of Justice and the MinJust Secretary to request that Tissainayagam not be moved from the New Magazine Prison to the Wellika Prison, where his life could be in greater danger. Unfortunately, late in the afternoon of August 31, we learned that Tissainayagam had been moved from New Magazine probably to Wellika and that EU and Norwegian diplomats had not been successful in their attempts to see him at the new facility. We will attempt to see him on Tuesday and will continue to urge the GSL to move Tissainayagam back to the more secure prison. END COMMENT.
COHN